

Prior law prohibited the sale of minor children.

New law distinguishes reasonable adoption expenses in baby selling provision and specifies that the payment or receipt of anything of value for the procurement of a child is strictly prohibited, except reasonable expenses authorized by new law. New law removes exemption of private agencies and increases.

Existing law provides for reports, placement, and review in certification for adoption proceedings.

New law specifies the responsibilities of DSS for reports and placement and specifies review hearings procedures when the department is, and is not, the custodian.

Existing law provides the procedure for a minor's surrender of her child. (Ch.C. Art. 1113)

New law expands the minor's rights in surrendering her child.

Prior law allowed for the waiver of mental health counseling by a parent surrendering her child.

New law prohibits surrendering minor parent from waiving mental health counseling.

Existing law allows requests for disclosure of non-identifying records in adoption. (Ch.C. Art. 1127)

New law allows agencies to release updated information.

New law specifies the department's duty of the department. (Ch.C. Art. 1127.1)

Existing law provides for filing of surrenders of children for adoption.

New law requires the court to review the surrenders and refuse them pending corrections of defects.

Existing law provides for notice of filing of the surrender. (Ch.C. Art. 1132)

New law specifies required efforts to locate the child's alleged or adjudicated father, and specifies notice requirements and the form of the notice to the father.

Prior law required the court, upon motion, to approve the surrender and terminate parental rights if no opposition is filed.

New law removes requirement of the court's approval of surrenders when no opposition is filed.

Existing law provides for the placement reports and permanency reviews when children are surrendered for adoption.

New law specifies the duties and timing of the filing of such reports when the department is, and is not, the custodian of the child.

Existing law provides definitions for adoption procedure.

New law adds "broken" to definitions Article for purposes of prohibition of sale of children.

Existing law provides for certification for adoption after pre-placement home studies. (Ch.C. Art. 1142)

New law clarifies that certification for adoption for pre-placement is not the judicial certification for adoption.

Existing law provides for venue in adoptions. (Ch.C. Art. 1180)

New law specifies venue when a child has been adjudicated a child in need of care (CINC).

Existing law provides for adoption records. (Ch.C. Art. 1186)

New law specifies the confidentiality requirements for records.

Existing law provides for fee disclosure.

New law specifies allowable fees and expenses, clarifies that payment may not be made contingent upon an adoption, and provides for court review and adjustment of fees and expenses.

Existing law provides for adoption disclosure affidavit.

New law specifies expense statement and requires copies to be forwarded to DSS.

Existing law provides for duties of DSS in agency adoption. (Ch.C. Art. 1207)

New law specifies DSS's ultimate responsibility for the required confidential report.

Existing law provides for hearings in agency adoptions.

New law specifies court review of the progress of the adoption and requires a records check of prospective adoptive parents.

Existing law provides for final decrees at the first hearing in agency adoptions.

New law provides for such decrees notwithstanding the requirement in Ch.C. Art. 1216 that a child shall have lived with a petitioner for a certain time.

Existing law provides for duties of the department, including duty to prepare home study report in agency adoptions.

New law specifies department's ultimate responsibility for such reports.

Existing law provides for expiration of interlocutory decree in agency adoptions. (Ch.C. Art. 1214)

New law provides for permanency review hearings until a final decree of adoption is rendered.

Existing law provides for fee disclosure in private adoptions.

New law specifies allowable fees and expenses, requires court review and control of such expenses, and requires a copy of the disclosure affidavit to be sent to DSS.

Existing law provides for adoption disclosure affidavit in private adoptions.

New law conforms affidavit to new adoption expense disclosure provisions.

Existing law provides department's duties in private adoptions, including home studies and confidential reports. (Ch.C. Art. 1229)

New law specifies department's ultimate responsibility for the confidential report.

Existing law provides for hearing the petition for private adoption.

New law specifies court's duty to set hearing dates, requires the petitioner to report on the progress of the child's adoptive placement, and provides for court review of any criminal records or complaints concerning the petitioner.

Existing law provides for final decrees at first hearings in private adoptions.

New law specifies such decrees may be rendered notwithstanding requirement that child has lived with the petitioner for a minimum specified time.

Existing law provides for department's duty to submit home study report in private adoptions. (Ch.C. Art. 1235)

New law specifies department's ultimate responsibility for such reports.

Existing law specifies eligible petitioner for intrafamily adoptions.

New law broadens the category of relatives who may seek an intrafamily adoption.

Existing law provides for intrafamily adoptions.

New law specifies that intrafamily adoption provisions take precedence over other adoption provisions when there is a conflict.

Prior law did not provide specific provision for records checks in intrafamily adoptions.

New law provides new provision requiring records checks for both abuse/neglect and criminal records in intrafamily adoptions, Article 1243.2.

Prior law provided for consent of parent in intrafamily adoptions.

New law deleted redundant provision that no surrender of parental rights is required for a valid consent in intrafamily adoptions.

Existing law provides when consent is not necessary in intrafamily adoptions.

New law specifies when consent is not necessary, including when grounds exist parallel to the grounds for "abandonment" in termination proceedings.

Existing law provides for hearings in intrafamily adoptions. (Ch.C. Art. 1253)

New law requires signed orders setting the hearing; adds specific requirements for extension of time, and court review of the progress of the child's adoptive placement; and, requires court review of criminal or child abuse/neglect complaints concerning the petitioner.

Existing law provides for finality of adoption decrees. (Ch.C. Art. 1263)

New law specifies preclusion of any action to annul an adoption after six months, or, if not against the adoptive parent, no more than six months from discovery of fraud, or four years after the final decree.

Existing law provides for purpose of voluntary registration.

New law deleted prohibition of use of voluntary registry by some fathers of illegitimate children.

Effective January 1, 2000.

(Amends R.S. 14:286 and Ch.C. Arts. 1040, 1041(A), 1042, 1113(A) and (D), 1120(C), 1127(A), (B), and (C), 1131(C), (D), and (E), 1132, 1142(A), 1144, 1146, 1174, 1180(A)(4), 1186, 1200, 1201(C) and (E), 1207(B), 1208(A) and (B)(4), 1211(intro. para.), 1213, 1214, 1223, 1229(B), 1230(A) and (B)(4), 1233, 1235, 1236, 1243, 1244(A), 1245, 1253(A) and (B)(4), 1263, and 1270(C); Adds Ch.C. Arts. 1127.1, 1131(F), 1169(2.1), 1180(A)(5), 1207(C), 1208(B)(5), 1223.1, 1229(C), 1230(B)(5), 1243.1, 1243.2, and 1253(B)(5); Repeals Ch.C. Arts. 1194 and 1244(D))